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CBS Depicted as Soft on CIA Agent

See the Cajolery, Gen. Westmoreland's Lawyer Tells Jurors

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NEW YORK, Nov. 7—Dan M. Burt, lead attorney for retired Army general William C. Westmoreland in his \$120 million libel action against CBS, sounded for a moment today like a barker promising one of the better shows so far in this Manhattan courtroom.

As technicians cued up videotapes of a CBS interview, Burt told the jury to pay close attention to the uncut version of the encounter between CBS producer George Crile and the CIA's former deputy chief for Vietnam, George Allen.

"Watch Mr. Crile cajole Mr. Allen to get his answers," Burt promised the jury. "Listen to Mr. Crile inflate Mr. Allen's credentials."

Then, for almost an hour, the jury saw Crile interviewing Allen in

a way that Westmoreland and his attorneys say was unfairly conciliatory and that was in stark contrast to a tougher interviewing of Westmoreland by Crile and CBS reporter/interviewer Mike Wallace.

At one point, Crile began a difficult question by saying: "George, I know this is a lousy place to take you, but I'm going to." And later, when Crile asked Allen about his position in Vietnam, Allen looked puzzled and answered: "What do you want me to say, George?" Crile responded: "It's not what I want you to say."

Moreover, Allen, unlike other witnesses, was interviewed a second time, after seeing what others had said on the same issue—a technique strongly criticized not only by Westmoreland and within the television community, but internally at CBS after the broadcast two years ago.

At issue in this trial is whether the CBS documentary "The Uncounted Enemy: A Vietnam Deception" libeled Westmoreland when the network charged a conspiracy by the military to hold down estimates of enemy troop strength to maintain public support of the war.

CBS attorney David Boies said Allen would testify later that his views were presented "accurately and fairly" in the broadcast, which drew heavily on information from Allen and his former protege at the CIA, Samuel A. Adams, who was a consultant for the CBS show and is now a co-defendant in the trial.

Allen was reminded by Crile during the interview that, before the cameras rolled, he had called the CIA's failure to continue arguing with the army about troop strength in Vietnam "the mistake of the century." During the interview, Allen said those at the CIA "perverted ourselves" by allowing the secret information arm of the government "to be used in a way that was not beneficial to the interest of the U.S." Allen still performs contract work for the CIA.

Although CBS tried to keep the raw, unedited "outtakes" of the interview and a subsequent Allen filming out of court, U.S. District Court Judge Pierre Leval ruled last week that Burt could show it to the jury.

Burt, in side arguments that could not be heard by the jury, said last week that he wanted to show the Allen interview because "we are talking about an attempt to fabricate an answer, to fabricate an interview . . ."

Boies, in the same encounter unheard by the jury, argued that proof of malice "has nothing to do with whether a witness like George Allen is being coddled or not, or whether a witness like George Allen is being encouraged or not . . . or whether a witness like George Allen is interviewed twice."

Special correspondent John Kennedy contributed to this report.